

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
ex rel WINSTON GEORGE THOMAS	:	
	:	
v.	:	
	:	
CHARLES ZEMSKI	:	NO. 02-4695

ORDER

AND NOW, this day of August, 2002, it is hereby ORDERED that the petition of Winston George Thomas for a writ of habeas corpus and release from custody under 28 U.S.C. § 2241 is DENIED without prejudice.

Winston George Thomas is a citizen of Jamaica who entered the United States as a conditional permanent resident in 1987. Sometime thereafter he was convicted in a New York state court of possession of a controlled substance and sale of a controlled substance and was sentenced to eight months imprisonment. On May 16, 2001, while he still was serving his state prison sentence, the Immigration and Naturalization Service ("INS") commenced removal proceedings against Thomas. Upon completion of his prison term in New York, the INS took Thomas into custody. The INS has detained him at the Berks County Prison in Pennsylvania since that time. Thomas appealed his continued detention and on February 22, 2002, Immigration Judge Walter A. Durling ordered that he could be released from custody

if he posted a bond of \$7,500. He found that such a bond was "necessary to ensure [Thomas'] presence at further immigration proceedings."

On August 27, 2002, this court held a hearing on Thomas' petition. During that hearing the government conceded that Thomas would be released from custody by obtaining a \$7,500 bond required under the Immigration Judge's February 22, 2002 order. We find that the amount of the bond is reasonable and not a violation of Thomas' right to due process. Since his continued custody is not a violation of his rights under the Constitution, we will deny Thomas' petition for habeas corpus under 28 U.S.C. § 2241.

BY THE COURT:

J.